

EXHIBIT 5



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/849,190	05/20/2004	Won-ik Cho	1793.1290	7296

21171 7590 01/05/2007
STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

HINDI, NABIL Z

ART UNIT	PAPER NUMBER
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2627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

ID # 11806

Application No.

Applicant(s)

Office Action Summary

10/849,190

CHO ET AL.

Examiner

Art Unit

NABIL Z. HINDI

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period of reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in this application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32-47 is/are allowed.
- 6) ☒ Claim(s) 1-7, 11-16, 19, 20 and 25-27 is/are rejected.
- 7) ☒ Claim(s) 8-10, 17, 18, 21-24 and 28-31 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-08C).
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

Application/Control Number: 10/849,190
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In response to applicant's filing dated May 20, 2004. The following action is taken:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 11-16, 19, 20, and 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Korean Patent 2002-140828.

The reference shows an optical head structure comprising: an objective lens 2 on a blade 1, a plurality of suspension wires 4, a magnetic circuit positioned on a head base 5-7, a coil positioned horizontally and divided in a vertical direction 30f.

With respect to the limitations of claims 2 and 12 see fig 21 having the coils 30f divided in a vertical direction corresponding to coil 150 of the claimed invention.

With respect to the limitations of claims 3 and 13 see fig 21 having the coil surrounding the lens holder.

With respect to the limitations of claims 4, 5, 14 and 15 see elements 30ti.

With respect to the limitations of claims 6, 7 and 16 see element 5 and 7.

With respect to the limitation of claims 20, 25 and 27 see elements 30f.

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Claims 8-10, 17, 18, 21-24, 28-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

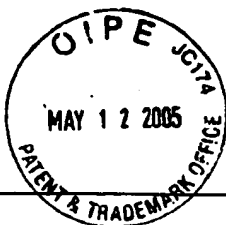
None of the cited prior art shows or teaches a pair of uni-polar magnets disposed opposite to each other with respect to the blade and have the same polarity nor the use of a three stoppers as structurally claimed.

Claims 32-47 are allowed.

None of the cited prior art shows or teaches the three stoppers, the hinge 162 between the sub coils 151, 152 nor the use of a yoke having three sections as claimed.

Any inquiry concerning this communication should be directed to NABIL Z. HINDI at telephone number (571) 272-7618.


NABIL HINDI
PRIMARY EXAMINER
GROUP 2500
2627



ATTACHMENT 1(g)

LIST OF ADDITIONAL SUBMITTED DOCUMENTS

ATTORNEY DOCKET NO.	APPLICATION NO.
1793.1290	10/849,190
FIRST NAMED INVENTOR	
Won-ik CHO, et al.	
FILING DATE	GROUP ART UNIT
May 20, 2007	2655-2627

The following document(s) is/are listed in accordance with the duty of disclosure provisions of 37 CFR § 1.56, so that the Examiner may consider same should he deem any thereof to be material to examination of the subject application.

It is requested that the Examiner acknowledge his consideration of document(s) below-listed by initialing same in the space provided adjacent each such application and that the Examiner sign and date this form at the bottom thereof to confirm such consideration having been given.

This submission in no way represents an admission that any of the information listed herein constitutes prior art with respect to the subject application; and unless and until such prior art status is established, this submission is not a request that the information presented herein be printed on the face of any patent issuing from the subject application in which this information is being filed.

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NO.	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION YES NO	
	AC							
	AD							

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

			TRANSLATION YES NO	
	AE	Office Action issued by the Korean Patent Office on 24 February 2005 (including English translation).	✓	

EXAMINER		DATE CONSIDERED	1/30/07
*EXAMINER: Initial if document considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			



Sheet 1 of 1

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	ATTORNEY DOCKET NO.	APPLICATION NO.
	1793.1290	10/849,190
	FIRST NAMED INVENTOR	
	Won-ik CHO, et al.	
	FILING DATE	GROUP ART UNIT
	May 20, 2004	2655-2627

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NO.	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	TRANSLATION YES NO	ABSTRACT
	AG	2000-39836	7/2000	Korea	<input checked="" type="checkbox"/>	✓
	AH	2002-140828	5/2002	Japan	<input checked="" type="checkbox"/>	✓
	AI					
	AJ					
	AK					
	AL					

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

		TRANSLATION YES NO
	AM	

EXAMINER <i>Nabil Hadi</i>	DATE CONSIDERED <i>1/3/07</i>
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	



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Bib Data Sheet

CONFIRMATION NO. 7296

SERIAL NUMBER 10/849 190	FILING OR 371(c) DATE 05/20/2004 RULE	CLASS 369	GROUP ART UNIT 2627	ATTORNEY DOCKET NO. 1793.1290
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APPLICANTS
Won-ik Cho, Seoul, KOREA, REPUBLIC OF;
Byung-ryul Ryoo, Suwon-si, KOREA, REPUBLIC OF;
Young-pil Park, Seoul, KOREA, REPUBLIC OF;
No-cheol Park, Seoul, KOREA, REPUBLIC OF;

**** CONTINUING DATA **** *****

**** FOREIGN APPLICATIONS *******
REPUBLIC OF KOREA 2003-35005 06/02/2003

IF REQUIRED, FOREIGN FILING LICENSE GRANTED
** 07/16/2004

Foreign Priority claimed 35 USC 119 (a)-(d) conditions met Verified and Acknowledged	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance Examiner's Signature _____ Initials _____	STATE OR COUNTRY KOREA, REPUBLIC OF	SHEETS DRAWING 7	TOTAL CLAIMS 47	INDEPENDENT CLAIMS 8
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ADDRESS
21171

TITLE
Optical pickup actuator and optical disk drive using the same and method

FILING FEE RECEIVED 1686	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit
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Index of Claims



ID# 1642

Application/Control No.

Applicant(s)/Patent under
Reexamination

10/849,190

CHO ET AL.

Examiner

Art Unit

NABIL Z. HINDI

2627

~	Rejected
=	Allowed

-	(Through numeral) Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim		Date									
Final	Original										
	1	✓									
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Search Notes



ID# 1632

Application/Control No.

10/849,190

Examiner

NABIL Z. HINDI

Applicant(s)/Patent under
Reexamination

CHO ET AL.

Art Unit

2627

SEARCHED

Class	Subclass	Date	Examiner
369	44.11	1/3/07	UH
	44.14		
	44.15		
	44.16		
	44.20		
	44.21	1/3/07	UH

INTERFERENCE SEARCHED

Class	Subclass	Date	Examiner

SEARCH NOTES
(INCLUDING SEARCH STRATEGY)

	DATE	EXMR
West & East	1/3/07	UH